

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 04-1214-1369

ELECTIONS: UNIT BG-117  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on June 15, 2005 which was recorded at Deed Book 633, Page 717 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on June 22, 2005, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit BG-117;


Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Attn: Rachel Rafferty or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

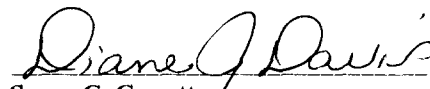
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8<sup>th</sup> day of August, 2006, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

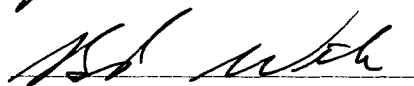
STATE OF VIRGINIA  
COUNTY OF ~~WISE~~ Washington

Acknowledged on this 8 day of August, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary

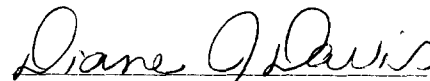
My commission expires: 9/30/09.

DONE AND PERFORMED THIS 8<sup>th</sup> day of August, 2006, by Order of the Board.

  
B. R. Wilson,  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 8<sup>th</sup> day of August, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.

  
Diane J. Davis, Notary

My commission expires: 9/30/09.

VIRGINIA:

BOOK 658 PAGE 0250

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit BG-117  
VGOB 04-1214-1369 in the New Garden District of Russell County, Virginia

**AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,  
ESCROW AND SUPPLEMENTAL ORDER**

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager – Environmental Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on June 15, 2005, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on June 22, 2005;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of June 15, 2005;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

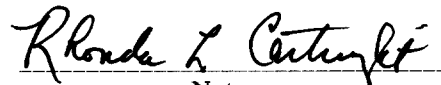
None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 27<sup>th</sup> day of June, 2006.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager - Environmental / Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 27<sup>th</sup> day of June, 2006.

  
Notary

My commission expires: 10/31/2009.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 653 PAGE 0252

622

N 289,202.71  
E 994,384.58

N 289,145.30  
E 995,983.06

58.74 ACRE UNIT

HESS

1

2

3

4

CBM-BG117

N 287,603.93  
E 994,327.16

N 287,546.52  
E 995,925.64

CREEK

EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT BG-117  
FORCE POOLING  
VGOB-04-1214-1369

Company CNX Gas Company LLC Well Name and Number UNIT BG-117  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Honaker  
County Russell District New Garden Scale: 1" = 200' Date 11/10/04  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

Claude E. Meyer  
Licensed Professional Engineer or Licensed Land Surveyor

No. \_\_\_\_\_

(Affix Seal)

**CNX Gas Company LLC**  
**UNIT BG117**  
**Tract Identifications**  
**(58.74 Acre Unit)**

1. **Swords Creek Land Partnership Tr. 1 (880.51 Acre Tract) – Fee**  
**Reserve Coal Properties Company – Coal Below Drainage Leased**  
**Knox Creek Coal Corporation – Coal Above Drainage Leased**  
**CNX Gas Company LLC – Oil, Gas and CBM Leased**  
**47.03 acres                      80.0647%**
2. **Swords Creek Land Partnership – All Minerals (1/2 undivided interest)**  
**E. G. Hunter, et al OR Garnett Herman Buckles – All Minerals (1/2 undivided interest)**  
**CNX Gas Company LLC – (1/2) CBM Leased (Swords Creek Land Partnership Interest))**  
**Swords Creek Land Partnership – Surface**  
**5.56 acres                      9.4654%**
3. **Sylvia I. Watson, et al – All Minerals except Coal In Banner Seam (2/3)**  
**Reserve Coal Properties Company – All Minerals except Coal In Banner Seam (1/3)**  
**Swords Creek Mining Corporation – Coal In Upper Banner Seam**  
**Swords Creek Leasing Inc. – All Coal Seams To and Including Red Ash Leased (2/3)**  
**CNX Gas Company LLC – CBM Leased (1/3)**  
**4.20 acres                      7.1502%**
4. **Sylvia Watson, et al – All Coal except Upper Banner Seam**  
**Swords Creek Land Partnership Tr. 49 – Coal In Upper Banner Seam**  
**Swords Creek Land Partnership Tr. 49 – Surface and All Minerals except Coal**  
**CNX Gas Company LLC – CBM Leased (Swords Creek Land Partnership Interest)**  
**1.95 acres                      3.3197%**

Exhibit B-3  
Unit BG-117  
Docket #VGOB 04-1214-1369  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 653 PAGE 0254

	Acres in Unit	Interest in Unit
<b>I. <u>COAL FEE OWNERSHIP</u></b>		
<b><u>Tract #2, 5.56 acres</u></b>		
(1) Swords Creek Land Partnership, et al.	5.56 acres	9.4654%
(b) E.G. Hunter, et al. Estate of E.G. Hunter and The First National Bank of Sullivan Co. TN c/o AmSouth Trust Department P.O. Box 1981 Kingsport, TN 37662	2.780 acres 1/2 of 5.56 acres	4.7327%
- OR -		
(b) Garnett Herman Buckles Rt.1 Box 512 Lebanon, VA 24266	2.780 acres 1/2 of 5.56 acres	4.7327%
<b>II. <u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
<b><u>Tract #2, 5.56 acres</u></b>		
(1) Swords Creek Land Partnership, et al.	5.56 acres	9.4654%
(b) E.G. Hunter, et al. Estate of E.G. Hunter and The First National Bank of Sullivan Co. TN c/o AmSouth Trust Department P.O. Box 1981 Kingsport, TN 37662	2.780 acres 1/2 of 5.56 acres	4.7327%
- OR -		
(b) Garnett Herman Buckles Rt.1 Box 512 Lebanon, VA 24266	2.780 acres 1/2 of 5.56 acres	4.7327%

Exhibit E  
Unit BG-117  
Docket #VGOB 04-1214-1369  
List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Unit)

BOOK 658 PAGE 0255

	Acres in Unit	Interest in Unit
<b><u>Tract #2, 5.56 acres</u></b>		
<i>Escrow due to title conflict</i>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Swords Creek Land Partnership, et al.	5.56 acres	9.4654%
(b) E.G. Hunter, et al. Estate of E.G. Hunter and The First National Bank of Sullivan Co. TN c/o AmSouth Trust Department P.O. Box 1981 Kingsport, TN 37662	2.780 acres 1/2 of 5.56 acres	4.7327%
- OR -		
(b) Garnett Herman Buckles Rt.1 Box 512 Lebanon, VA 24266	2.780 acres 1/2 of 5.56 acres	4.7327%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Swords Creek Land Partnership, et al.	5.56 acres	9.4654%
(b) E.G. Hunter, et al. Estate of E.G. Hunter and The First National Bank of Sullivan Co. TN c/o AmSouth Trust Department P.O. Box 1981 Kingsport, TN 37662	2.780 acres 1/2 of 5.56 acres	4.7327%
- OR -		
(b) Garnett Herman Buckles Rt.1 Box 512 Lebanon, VA 24266	2.780 acres 1/2 of 5.56 acres	4.7327%
<b><u>Tract #4, 1.95 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Sylvia Watson, et al. (a.k.a. - Myra Looney Heirs, Devisees, Successors or Assigns, et al.)	1.95 acres	3.3197%
(a) Sylvia Watson Heirs, Devisees, Successors or Assigns		
(a.1) James Arthur Watson, widower 301 E. Mill Road Evansville, TN 47711	0.217 acres 1/9 of 1.95 acres	0.3689%
(b) Zelma Ruth Raypole Heirs, Devisees, Successors or Assigns		



**Exhibit E**  
**Unit BG-117**  
**Docket #VGOB 04-1214-1369**  
**List of Conflicting Owners/Claimants that require escrow**  
**(58.74 Acre Unit)**

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	Acres in Unit	Interest in Unit
(b.1) Jeremy Wallace 165 Columbus Street Wilmington, OH 45177	0.217 acres 1/9 of 1.95 acres	0.3689%
(c) Virginia Crosier HC83 Box 147 Union, WV 24646	0.217 acres 1/9 of 1.95 acres	0.3689%
(d) Lex I. Looney Heirs, Devisees, Successors or Assigns		
(d.1) Golda Looney, widow 14230 RR41S Greenfield, OH 45123	0.217 acres 1/9 of 1.95 acres	0.3689%
(e) Joan Foley 165 Columbus Street Wilmington, OH 45177	0.217 acres 1/9 of 1.95 acres	0.3689%
(f) Ralph B. Looney Heirs, Devisees, Successors or Assigns		
(f.1) Teresa Stodgel 547 Waugh Road Greenfield, OH 45123	0.108 acres 1/18 of 1.95 acres	0.1844%
(f.2) Melody Powell HC3 Box 810 Port St. Joe, FL 32456	0.108 acres 1/18 of 1.95 acres	0.1844%
(2) Reserve Coal Properties P.O. Box 947 Bluefield, VA 24605	0.650 acres 1/3 of 1.95 acres	1.1066%

**OIL & GAS FEE OWNERSHIP**

(1) Swords Creek Land Partnership P.O. Box 187 Tazewell, VA 24651	1.95 acres	3.3197%
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VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 8-16, 2006. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:47 o'clock A.M., after payment of \$\_\_\_\_\_ tax imposed by Sec. 58.1-802.

TESTE: DOLLIE M. COMPTON, CLERK  
 BY: Yvonne R. Ruff D. CLERK

Original returned this date to: Diane Davis

0602673

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

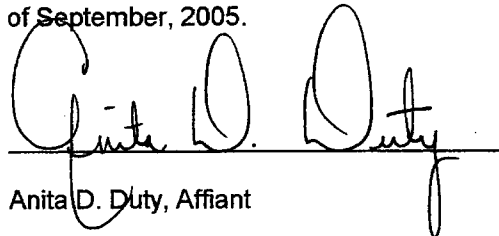
**IN RE:**

**AFFIDAVIT OF MAILING**

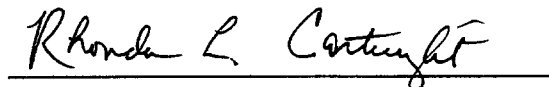
Anita D. Duty, being first duly sworn on oath, deposes and says:

1. That your affiant is employed by CNX Gas Company LLC, P.O. Box 947, Bluefield, Virginia 24605; that your affiant, as one of her duties, is required to mail notices to persons required to be notified of hearings before and decisions of the Virginia Gas and Oil Board (hereinafter the "Board"); that your affiant receives, reviews and distributes mail addressed to Consol Energy Inc. owned companies and/or partnerships at its aforementioned office;
2. That paragraph eighteen (18) of a Board order made in the above-captioned matter, directed CNX Gas Company LLC to mail a copy of said order to be mailed to the last known address of each well operator listed in said order;
3. That your affiant mailed copies of the order referred to at paragraph "2" above; that annexed hereto and incorporated herein by reference are copies of proofs of mailing showing the parties to whom the copies were mailed and the date of mailing; (See Exhibit A for a complete list.)
4. That paragraph thirteen (13) of the Board's order required that each potential owner to whom a copy of the Board's order was mailed as described above deliver a written election to CNX Gas Company LLC within thirty (30) days of the date on which copies of the order were mailed;

Dated at Tazewell, Virginia, this 19th day of September, 2005.

  
Anita D. Duty, Affiant

Taken, subscribed and sworn to before me by Anita D. Duty, this 19th day of September, 2005.

  
Rhonda L. Cartwright

Notary Public

My commission expires: 10/31/05

CERTIFICATION OF NOTICE  
CNX Gas Company LLC

Unit BG-117  
VGOB 04-1214-1369  
Recorded Board Order

NAME		MAILED	RECEIPT #	RECEIVED
Buckles	Garnett Herman	6/28/05	7004 2890 0004 4961 2912	06/29/05
Hunter, et al.	E.G.	6/28/05	7004 2890 0004 4961 2929	06/29/05